

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANTOINE D. JOHNSON, M.D.,

Plaintiff,

v.

GRAYS HARBOR COMMUNITY  
HOSPITAL, GRAYS HARBOR  
COMMUNITY HOSPITAL MEDICAL  
STAFF, GRAYS HARBOR COMMUNITY  
HOSPITAL GOVERNING BOARD, KI  
SHIN, M.D., TIM TROEH, M.D., BRENT  
ROWE, M.D., GREGORY MAY, M.D.,  
DANIEL CANFIELD, M.D., ROBIN  
FRANCISCOVICH, M.D., THOMAS J.  
HIGHTOWER, SHELLY DUBER, M.D.,  
AND DOES 1 through 50, inclusive,

Defendants.

Case No. C06-5502FDB


ORDER DENYING PLAINTIFF'S  
APPLICATION FOR ENTRY OF  
DEFAULT AGAINST DEFENDANTS  
KI SHIN, M.D.; TIM TROEH, M.D.;  
GREGORY MAY, M.D.; DANIEL  
CANFIELD, M.D.; SHELLY J.  
DUEBER, M.D.; AND ROBIN  
FRANCISCOVICH,

Plaintiff moved for Default against Defendants Ki Shin, M.D., Tim Troeh, M.D., Gregory May, M.D., Daniel Canfield, M.D., Shelly J. Dueber, M.D. and Robin Franciscovich, M.D. [Dkt. # 35] service having been indicated on September 11, 2006. An appearance on behalf of these individual defendants was filed by counsel on September 29, 2006 [Dkt. # 26], although pending approval is a withdrawal and substitution of counsel for Defendant Ki Shin, M.D. Defense Counsel

1 has filed an objection to default for Plaintiff's failure to give the proper 5-day notice under Local  
2 Civil Rule CR 55(a) of intention to move for default. Defense Counsel also opposes the motion on  
3 the basis that Plaintiff has failed to show that the parties were served in a manner authorized by Fed.  
4 R. Civ. P. 4. The Individual Defendants above mentioned have filed their Answer [Dkt. # 41]. The  
5 Individual Defendants have indicated an intention to defend in this cause of action, and default must,  
6 therefore, be denied.

7 NOW, THEREFORE, IT IS ORDERED: Plaintiff's Application for Entry of Default [Dkt. #  
8 35] against Defendants Ki Shin, M.D.; Tim Troeh, M.D.; Gregory May, M.D.; Daniel Canfield,  
9 M.D.; Shelly J. Dueber, M.D.; and Robin Franciscovich, M.D. is DENIED.

10 DATED this 2<sup>nd</sup> day of November, 2006.

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13 FRANKLIN D. BURGESS  
14 UNITED STATES DISTRICT JUDGE  
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